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The integration of European defense through funding and strategic autonomy

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Abstract: This paper aims to frame the need for the latest issues related to the common security and defense policy of the European Union as an investigation of integration through European funding. War crises continue to increase at the European level and the fear of national governments put the European defense and security policy at the forefront. Years have passed where the transformation of the architecture of the European defense policy has employed through binding acts and not important steps towards an endless harmonization. The European Peace Facility and the continuous funding through projects of a lot of money at the European level imply the relations of the security and defense policy to follow a contribution towards a strategic autonomy of the Union that still needs many steps forward to protect peoples and save human lives.

Keywords: Strategic autonomy; Common Security and Defense Policy; PESCO; European Peace Facility (EPF); European Defense Fund; EDIRPA; ASAP; CSDP; CFSP; EUGS; EDTIB; SESAR; ARTEMIS; NSIP; RPPB; NSPA; EUMS; EDA; ATHENA; APF; EDF; ATMIS; PADE; EDIDP; PADR; QFP; ARTEMIS.

Introduction

The continuous war crises in recent years both at European and international level have called into question all those principles of the law of the United Nations as well as the founding principles of the European Union (EU). The continuous conflicts near the European borders and especially the Ukrainian crisis after the aggression of the Russian Federation raises many unsolved problems and above all opens the way for new paths and limits in the sector of the Common Security and Defense Policy (CSDP) of the EU.

It was the strategic compass of 2022 that stated:

EU must become faster, more skilled and more effective in its ability to decide and act¹ (...) find a more complete definition in the concept of “strategic autonomy”, generally understood as “the ability (...) to act autonomously, if and when necessary, and with partners, when possible (...)”².

¹Council of the European Union, A strategic compass for security and defence-for a European Union that protects its citizens, values and interests and contributes to international peace and security [2022] 7371/22, p. 13.

²European Council Conclusions of 14 November 2016 on the implementation of the EU Global Strategy in the area of security and defence (EUCO 14149/16), para. 2.

The Compass has followed some important objectives such as the strategic autonomy of the Member States, the political debate focused on the development prospects and the entire architecture of the CSDP (Szèp, Wessel, 2022; Szèp, Wessel, 2023a; Szèp, Wessel, 2023b). The actions are the object of analysis to strengthening the European financing mechanisms in the defense sector³. They consist of supranational instruments that use the financial resources of the budget of the Union by precisely conferring national, supranational initiatives in defense policy.

The mechanisms of the Union's actions follow some new paths inspired by those that have been in the past through the conduct of missions for the adoption of military assistance measures in favor of the Member States and international organizations within the CSDP, increasing and giving more powers as a result to the Member States. A dimension where it finds scope for application to the role of European instruments for industrial policy and for defense products in the European market and beyond. An industry that needs investments to produce more as well as to support the European Commission (EC) for financing mechanisms to decrease:

³Council of the European Union, A strategic compass for security and defence – For a European Union that protects its citizens, values and interests and contributes to international peace and security [2022], op. cit, p. 33.

“(...) industrial investments through grants and loans, thus allowing the industry to adapt more quickly to the structural transformations of the market in progress (...)”⁴.

Perhaps the new key is the strategic autonomy to a perspective that pursues a strategy of specific financing instruments in the defense sector thus contributing to the institutional and regulatory plan between Common Foreign and Security Policy (CFSP) CFSP/CSDP and to the mechanisms of a supranational type of financial support that especially concerns the defense sector.

Analyzing the financing instruments in an indirect way that falls within the sector of mechanisms in the field of development cooperation policies (Puig Soler, 2021)⁵ has to do with a practice of different matters that are not all part of the right to defense.

We need especially in the field of European defense a synthetic research, a strategic autonomy, mechanisms of coordination of defense policies and the development of defense within the CSDP, i.e. actions that complement the coordination of national defense policies as a basis for harmonization in the European sector as well as measures in the defense field as a contribution to the financing mechanisms to follow this new strategy of

⁴European Commission, Proposal for a Regulation of the Parliament and of the Council establishing the Law to support the production of ammunition, COM(2023) 237 final, p. 2.

⁵See the Instrument contributing to Stability and Peace (IcSP): https://capacity4dev.europa.eu/info/eus-instrument-contributing-stability-and-peace-icsp_en; Neighbourhood, Development and International Cooperation Instrument (NDICI): https://neighbourhood-enlargement.ec.europa.eu/funding-and-technical-assistance/neighbourhood-development-and-international-cooperation-instrument-global-europe-ndici-global-europe_en

autonomy of the Union.

What are the common objectives in the policies of CFSP/CSDP?

If we speak of security and defense policy in the European context, we immediately refer to Art. 42, par. 1 TEU as well as to specific procedural rules, namely Art. 24, par. 1 TEU. Thus, a pillar structure is formed that distinguishes the Union from other policies (Curtin, 1993).

The specific procedural rules referred to in Art. 24, par. 1 TEU. They characterize the intergovernmental method of the CFSP/CSDP as powers of definition of security and defense policy based on intergovernmental institutions such as the European Council and the Council.

The general orientations of the CFSP are, according to Art. 26, par. 1, to elaborate decisions in order to define and implement the general orientations of the strategies defined by the European Council.

The EC does not have the power that has been given to the Member States and the High Representative for Foreign Affairs and Security Affairs to exercise executive powers. The CFSP, according to Art. 27, par. 3 TEU, is drawn up by the High Representative.

Moreover, the Member States and the external function of the

treaty confer the general framework of other policies according to Art. 17, par. 1 TEU.

Separating and distinguishing the attributions of institutions and decision-making procedures in the criterion of unanimity and legislative acts, results in a normative framework where the CFSP is placed in line with the objectives it pursues.

The Treaty of Lisbon has separated the CFSP from community policies and therefore has suppressed the pillars and the relative structure. In the pre-Lisbon regime⁶ the CFSP was part of it⁷ and the principles of an order, the common values and the objectives were based on material policies according to Art. 3 TEU (Cremona, 2012; Cremona, 2018; Butler, 2019).

From a regulatory point of view, Art. 3, par. 5 TEU is dedicated to the objectives of the Union as general provisions of the external action. It uses the common objectives in different sectors of the external action of the Union and in the CFSP, which pursue an approach that brings into play Art. 21, par. 2, letter a) TEU:

“(...) to support democracy and the rule of law, human rights and the principles of international law in third countries and within the international community (...)”,

as an objective of foreign policy for development cooperation, trade policy and judicial cooperation. These are indispensable

⁶CJEU, C-415/05 P, *Kadi & Al Barakaat Int'l Foundation v. Council* of 8 November 2008, ECLI:EU:C:2008:461, I-6351, par. 202.

⁷CJEU, C-134/19 P, *Bank Refah Kargaran v. Council* of 6 October 2020, ECLI:EU:C:2020:793, published in the electronic reports of the cases, par. 47.

policies which according to Art. 21, par. 2, letter d) TEU:

“(...) promote the sustainable development of developing countries on the economic, social and environmental level (...)”,

thus involving foreign policy choices, according to par. 3 of Art.

21 TEU, that have to do with “the various sectors of external action” thus giving the Council and the EC the ability to represent the tasks that are guaranteed to them (Hillion, 2012).

In other words, we can speak of a principle of coherence where it is not limited to the operation of an external action but to a coordination of policies of an external dimension where it explicitly shows the relationships between the internal and external dimensions of the action of the Union⁸ as well as the relationships between internal policies⁹.

It puts the objectives in a transversal way to effectively pursue a plurality of material policies that are in contrast with climate change thus asking for a coherent action in sectors of an internal market for the protection of the environment, security in an area of freedom, justice and security in the matter of the CFSP/CSDP for other policies of the Union (Garti, 2018).

Towards a transversal strategic autonomy of the Union

The integration process of a transversal type as a political action and within lines of action and strategy manifested in the sector of the CSDP requires the support of the European Parliament

⁸See Art. 21, par. 3, TEU.

⁹See Art. 7 TFEU.

(EP) in the sector of the CSDP.

Already the resolutions for the European strategy since 2006 put the EP on a path that identified the concept of strategy, as a precise definition where the EP took into consideration the strategic autonomy thus provided a European strategy in the field of security by conducting independent operations by asking for interoperability to a reliable supply chain to a mutual assistance that avoids resources at European level¹⁰, as well as:

“(...) European Union needs to develop its strategic autonomy through a strong and effective foreign, security and defence policy to promote international peace and security, defend its interests in the world, protect the security of its citizens, contribute to effective multilateralism, promote respect for human rights and democratic values throughout the world and safeguard peace in the world (...)”¹¹.

Thus, the use of the EC elaborates an autonomy for the strategy that employs the resolution of the EP¹².

¹⁰P6_TA(2006)0495 Implementation of the European Security Strategy in the context of the ESDP European Parliament resolution on the implementation of the European Security Strategy in the context of the ESDP (2006/2033(INI), para. 13.

¹¹European Parliament resolution of 19 February 2009 on the European Security Strategy and the ESDP (2008/2202(INI)), par. 1. European Parliament resolution of 10 March 2010 on the implementation of the European Security Strategy and the Common Security and Defence Policy (2009/2198(INI)), parr. 3 and 68.

¹²European Parliament resolution of 10 July 2008 on space and security (2008/2030(INI)) (2009/C 294 E/16): <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52008IP0365>; European Parliament resolution of 11 May 2011 on the development of the common security and defence policy following the entry into force of the Treaty of Lisbon (2010/2299(INI)): <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:52011IP0228>. European Parliament resolution of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States (2011/2177(INI)): https://www.europarl.europa.eu/doceo/document/A-7-2011-0428_EN.html. European Parliament resolution of 22 November 2012 on the implementation of the common security and defence policy (in accordance with the annual report from the Council to the European Parliament on the common foreign and security policy) (12562/2011-2012/2138(INI)): <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52012IP0455>. European Parliament resolution of

A first programmatic document of the EC dates back to a communication of 2013 entitled: “Towards a more competitive and efficient defence and security sector”¹³. In this, the strategic autonomy evokes the need for development for the defence industry:

“(...) security of supply, access to crucial technologies and operational sovereignty are therefore of decisive importance (...) defence is still at the centre of national sovereignty and decisions regarding military capabilities remain the prerogative of the Member States. The EU can, however, provide a significant contribution, as it has policies and tools suitable for implementing structural changes and constitutes the best context for Member States to collectively maintain an adequate level of strategic autonomy (...)”.

This expansion has used the documents of the EC¹⁴. Thus it is

21 November 2013 on the European Defence Technological and Industrial Base (2013/2125(INI)): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0514>. European Parliament resolution of 21 November 2013 on the implementation of the Common Security and Defence Policy (in accordance with the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy) (14605/1/2012-2013/2105(INI)): https://www.europarl.europa.eu/doceo/document/A-7-2013-0360_EN.html. European Parliament resolution of 21 May 2015 on the implementation of the Common Security and Defence Policy (in accordance with the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy) (2014/2220(INI)): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015IP0213>. European Parliament resolution of 22 November 2016 on the European Defence Union (2016/2052(INI)): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016IP0435>. European Parliament resolution of 23 November 2016 on the implementation of the Common Security and Defence Policy (based on the Annual Report from the Council to the European Parliament on the Common Foreign and Security Policy) (2016/2067(INI)): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016IP0440>

¹³Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, Towards a more competitive and efficient defence and security sector (COM/2013/0542 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52013DC0542>

¹⁴Communication from the Commission to the European Parliament, the

understood that strategic autonomy in the defense sector passes through documents, acts of the institutions including the Council and the European Council thus expanding an open strategic autonomy in the field of security and defense that also extends to other sectors a technological sovereignty (Gstrein, 2023) comparable with that of European sovereignty¹⁵.

From a political point of view documents, acts of the institutions, that attribute to the notion of strategic autonomy pursuing a constitutional arrangement for the Union, are committed (Fiott, 2018; Howorth, 2018; Lippert, Van Ondarza, Perthes, 2019; Editorial Board, 2022; Csernaton, 2022; Helwig,

European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, European Defence Action Plan (COM/2016/0950 final): <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A52016DC0950>. Proposal for a Regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovation capacity of the European defence industry (COM/2017/0294 final-2017/0125 (COD)): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0294>. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Establishment of the European Defence Fund (COM/2017/0295 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017DC0295>

¹⁵European Parliamentary Research Service, “On the path to “strategic autonomy”. The EU in an evolving geopolitical environment” (September 2020); European Parliamentary Research Service, “EU strategic autonomy 2013-2023. From concept to capability” (EU Strategic Autonomy Monitor, briefing July 2022). Conclusions of the European Council of 1-2 October 2020 (EUCO 13/20). European Commission, Strategic dependencies and capacities- Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery (SWD(2021) 352 final). European Commission, EU Strategic Autonomy and the Role of the EU Budget (EU Budget Policy Brief 2022). European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Joint Communication to the Parliament and the Council on strengthening the EU contribution to rules-based multilateralism (JOIN(2021) 3 final).

Sinkkonen, 2022; Helwig, 2022; Hoffmeister, 2023; Casolari, 2023; Vroege, 2023).

The concept of strategic autonomy is understood in an autonomous way since the limits of the notion provide answers to questions about autonomy. It is understood, the distinction of an internal and external dimension of this concept, as well as the purposes of the sectors involved (Marrone, 2022). The institutions do not always provide elements with detailed and inclusive answers as the concept of open strategic autonomy¹⁶. This applies to the defence sector according to the conclusions of the European Council of 2013¹⁷.

The EU Global strategy of 2016 (EUGS)¹⁸ affirms that:

“(...) Europe needs a more integrated, sustainable, innovative and competitive Defence Technological and Industrial Base (EDTIB) to develop and sustain defence capabilities (...) strengthen its strategic autonomy and ability to act with partners (...) strengthen the EDTIB to ensure operational

¹⁶European Commission, Strategic dependencies and capacities, op. cit., par. 7: which is affirmed that: “(...) open strategic autonomy (...) ability to shape the new system of global economic governance and develop mutually beneficial bilateral relations, while protecting the EU from unfair and abusive practices, including diversification and consolidation of global supply chains (...) concept can therefore be described as the ability of the EU to secure its citizens a life to the standards of prosperity, safety, health, and general well-being they are used to expect. As this is part of the promise of the Union (Art. 2(1), 3(1) TEU), there is nothing inherently wrong with this goal, except that it renders the whole concept somewhat unspecific (...)”.

¹⁷Conclusions of the European Council of 19-20 December 2013 (EUCO 217/13): <https://data.consilium.europa.eu/doc/document/ST-217-2013-INIT/en/pdf>

¹⁸European External Action Service, Shared Vision, Common Action: A Stronger Europe-A Global Strategy for the European Union's Foreign and Security Policy (2016): https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf.

effectiveness and security of supply, while remaining globally competitive and stimulating jobs, innovation and growth across the EU (...) with opportunities for the defence industry in the EU, balanced and in full compliance with EU law¹⁹ (...) a sustainable, innovative and competitive European defence industry is essential for Europe's strategic autonomy and for a credible CSDP (...) an appropriate level of ambition and strategic autonomy is important for Europe's ability to promote peace and security within and beyond its borders (...)”²⁰.

Thus the conclusions of the European Council implement in the EUGS stated the:

“(...) capacity to act autonomously when and where necessary and with partners wherever possible (...) reliable of what is meant by strategic autonomy”²¹.

The framework of strategic autonomy uses acts and institutions where it fills, identifies the objectives that pertain to the actions that reach the defense funding. The political consensus of strategic autonomy formalizes the objectives that it should follow a wishful thinking of the Union to implement actions in pursuit of strategic autonomy.

The documents and acts of the institutions offer the notion of strategic autonomy thus acquiring according to what Hoffmeister states:

“(...) legal view in the context of the external relations of the European Union, deriving the following definition “striving for multilateral solutions, while being able to take lawful action alone to safeguard the Union's values, fundamental interests, security, independence and integrity (...)”

¹⁹Conclusions of the European Council of 19-20 December 2013 (EUCO 217/13), par. 16.

²⁰European External Action Service, Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign and Security Policy, op. cit., pp. 9, 19 and 46.

²¹European Council Conclusion of 14 November 2016 on the implementation of the EU Global Strategy in the area of security and defence (EUCO 14149/16), p. 2.

(Hoffmeister, 2023).

It is a useful position that accepts and respects various sectors of the Union. This perspective allows the EU actions in an intensity that pursues the objectives of strategic autonomy.

What funding mechanisms are used by the NATO framework?

The framework of the Union provides and evaluates actions that respect the objective of strategic autonomy in the mechanisms of the Union that operate within NATO, as a choice that implies in a complementary way the action of the Union within the defense framework in parallel with that of the alliance.

Art. 42, par. 2 TEU allows NATO to manage the common defense within the Member States of the Union thus stating that the CSDP respects the Member States' quality of members of the alliance. The complementarity and the instruments of the CSDP and NATO within the framework of defense development are presented as instruments of a different nature of a collective defense of a supranational legal system where it is part of the plurality of political materials.

Thus, the Union and NATO gather the characteristics that are connected to the military force that is always lacking as well as the respective military structures²² that compose and provide for

²²For example, from the NATO framework, the multinational C2 structures that are established within the organization where the Union was deprived for a long time. Thus, the Union created a strategic command of the EUMS where it appointed the

the Member States the scope of the CSDP. NATO respects the resources that support the costs of the maintenance and functionality of civil administration to a military apparatus as development of military capacity.

The NATO Security Investment Programme (NSIP) is an objective of a common organization²³ that is dedicated to the financing and development of military infrastructures and capabilities, i.e. a form of common funding where the activity of the NSIP has as a principle the so-called over and above. This is a principle where the common financing through the NSIP and the development acquires military installations such as command and control systems of types of military capabilities where the costs are not sustainable by identifying the individual allies²⁴.

The Resource Policy and Planning Board (RPPB) as a body of the North Atlantic Council that manages the common funds of the alliance defines the development of military capabilities with the implementation of the strategic lines as established by the North Atlantic Council²⁵. Thus the RPPB examines and controls

military planning and conduct capability, namely the Military Planning and Conduct Capability-MPCC. These are military missions of a non-executive nature where the strategic command was entrusted to the MPCC together with the CSDP where the operations of an executive mandate and C2 structure were based on identified national strategic commands of a precise nature but not according to the NATO organization.

²³We also add the Civil budget and the Military Budget which have to do with the coverage of costs, the institutional structure of the organization of a military command and control apparatus.

²⁴NATO, Funding NATO: https://www.nato.int/cps/en/natohq/topics_67655.htm

²⁵NATO, Resource Policy and Planning Board:

the package of measures that is admitted to common financing according to the over and above principle.

The budget of the NSIP ensures directly and in the Member States of the alliance the bases that respect the gross national income (GNI)²⁶.

The financial instrument is defined and allowed to a deadline of each year a consistent increase in resources. Thus the new threats to peace within the European continent follows the Russian aggression of Ukraine since the allies have agreed at the Madrid summit of 2022 an increase in resources that are part of the common budgets of NATO. The NSIP to an increase of 25% as a maximum point of financing for 2022 sets for one year 1 billion euros²⁷.

The RPPB has identified a financial package of more than 1 billion euros for the exercise of 2024²⁸. The management of this fund is appointed as Investment Committee that operates under the control of the RPPB. This funding is described as a form of financial support by Member States of the alliance for the development and military capabilities as initiatives that recall the 21 High Visibility Projects that facilitate the development,

https://www.nato.int/cps/en/natohq/topics_67653.htm.

²⁶Finland joined NATO on 4 April 2023 along with Italy with three common budgets that amount to 8.8% of the total financial requirement.

²⁷NATO Allied Command Transformation, Common Funded Capability Delivery: <https://www.act.nato.int/common-funded-capability-delivery/>.

²⁸NATO, The 2024-2028 Common Funding Resource Plan: Report by the Resource Policy and Planning Board, 31 July 2023: https://www.nato.int/cps/en/natohq/official_texts_217756.htm, par. 16.

military capabilities through commitments at ministerial level for participating Member States.

The NATO Support and Procurement Agency (NSPA) allows projects that play an intermediary role for participating states as actors of a defense industry. This contributes to a development of the military capability of the NATO. In fact, the direct funding passes to a fund that is dedicated to multinational projects.

Coordinate, manage, control domestic defense through the military capabilities of the Member States of the Union

Financing instruments that operate for the coordination of defense policies and cooperative development within the scope of the CSDP have an active component to control the international crisis and establish civilian and military missions according to Art. 42, par. 1 and 43 TEU (Blanke, Mangiamelli, 2021).

This is a policy where its objectives defining a European common defense policy according to Art. 42, par. 2 TEU. In such a way, offers a coordination of the defense policies of the Member States and a development of cooperation for military capability. Its tasks and objectives are presented by the European Defense Agency-EDA and the Permanent Structured Cooperation (PESCO) as a development of collaboration for

military capabilities.

Especially, the EDA had as its main objectives:

“(...) to contribute to identifying the military capability objectives of the Member States and to assess compliance with the capability commitments undertaken by the Member States; (b) to promote the harmonisation of operational requirements and the adoption of efficient and compatible acquisition methods; (c) to propose multilateral projects for the achievement of military capability objectives and to ensure the coordination of programmes implemented by the Member States and the management of specific cooperation programmes; (d) to support research in the field of defence technology, to coordinate and plan joint research activities and studies to outline technical solutions that meet future operational needs; (e) to contribute to identifying and, where appropriate, implementing any useful measure to strengthen the industrial and technological base of the defence sector and to improve the effectiveness of military expenditure (...)”.

The EDA together with the European Union Military Staff (EUMS), as a development of the Capability Development Plan (CDP) from 2018 has identified and developed the defence capability for the Member States (Fiott, 2018).

Recognizing the defence and the activities that organize the Member States and strengthen a defence coordination, namely the Coordinated Annual Review on Defence (CARD), the EDA ensures the Secretariat together with the EUMS a review process within a systemic framework for the defence of the Member States thus communicating the activities that identify spaces for cooperation towards an orientation with shared priorities.

Thus, the EDA through delegation to the EC manages the programme of the Preparatory Action on Defence Research (PADR) as an instrument for the European Defence Fund of the Union proposing a European funding for transnational projects

for the development, the exclusive capacity of the EC. The EDA also involves PESCO together with the European External Action Service including the EUMS²⁹.

PESCO and the military capacity of the Member States

PESCO was based on Art. 42, par. 6 TEU. Member States cooperate within the CSDP according to generic objectives and commitments of a protocol for structured cooperation³⁰.

PESCO corresponds to two levels of governance where commitments are shared by all participating states after the renunciation of Denmark and the opt-out of defense and the accession to PESCO together with the Member States of the Union³¹.

The related commitments respond to protocol no. 10 in a precise way³². Other groups for Member States decided that the

²⁹Art. 7, paragraph 1, of Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation (PESCO) and establishing the list of participating Member States.

³⁰Council Decision (CFSP) 2023/1015 of 23 May 2023 confirming the participation of Denmark in PESCO and amending Decision (CFSP) 2017/2315 establishing permanent structured cooperation (PESCO) and establishing the list of participating Member States.

³¹EDA, Defence Data Portal: <https://eda.europa.eu/publications-and-data/defence-data>

³²Council Decision (CFSP) 2018/340 of 6 March 2018 establishing the list of projects to be developed under PESCO: <https://eur-lex.europa.eu/eli/dec/2018/340/oj>; Council Decision (CFSP) 2018/1797 of 19 November 2018 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO. Council Decision (CFSP) 2019/1909 of 12 November 2019 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO; Council Decision (CFSP) 2020/1746 of 20 November 2020 amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO; Council Decision (CFSP) 2021/2008 of 16 November 2021

development within the scope of cooperation includes a large package of projects within PESCO in various topics such as; training, land: facilities; formations, systems; Maritime; Air, systems; Cyber, C4ISR; Enabling, joint; Space, etc.

Each project follows the participating Member States where small groups develop a defense and security policy that constitutes at the international level (Blockmans, Crosson, 2021) an interest also for other states that do not participate in these projects thus reducing projects that are approved by the Council every year. These are groups of Member States that are involved to projects that respect what is holds every year³³.

A project of military mobility, in which they participate Member States (excluded Ireland) and third states (such as United States, Canada, Norway, United Kingdom), allows NATO to facilitate the circulation of troops and means of members of the alliance. The participating members fragment the existing projects to non-homogeneous groups of a governance structure³⁴.

Variable projects in which Member States participating leave states free to choose, pursue partners who have the strength to reduce levels of ambition (Blockmans, 2018). In such a way,

amending and updating Decision (CFSP) 2018/340 establishing the list of projects to be developed under PESCO:<https://eur-lex.europa.eu/eli/dec/2021/2008/oj>; Council Decision (CFSP) 2023/995 of 22 May 2023 amending and updating Decision (CFSP) 2018/340: <https://eur-lex.europa.eu/eli/dec/2023/995>

³³Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a set of governance rules for PESCO projects.

³⁴Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a set of governance rules for PESCO projects.

PESCO evaluates, implement cooperation that increases a level of new projects through the EDA, NATO, Organisation for Cooperation in Armaments (OCCAR) (Blockmans, Grosso, 2021).

Groups of Member States participating in a strong commitment related to a project render PESCO successful as we have seen through the recommendation of the Council of November 2021 and the start of a cycle that expires in 2025³⁵. This is a cooperation based on the strategic compass³⁶.

PESCO offers Member States an institutional framework for the development of defence products, technologies as a mechanism for defence policies linked to it and to instruments related to financing. Developing collaborative projects for national markets and the defence of the Union has to do with supply and demand (Trybus, 2014).

The management made by each Member State is linked with defence products, domestic security towards a supranational harmonization of active integration in the sector with characteristics of high-level military development that does not conflict with productivity (Hartley, 2012).

The integration of a collaborative development of projects to an

³⁵Council Recommendation of 16 November 2021 on establishing the stages for the implementation of the more binding commitments undertaken in the framework of Permanent Structured Cooperation (PESCO) and on defining more precise objectives and repealing the Recommendation of 15 October 2018.

³⁶Council of the European Union, A strategic compass for security and defence, op. cit., p. 33.

economy of scale reduces the disadvantage of the European industry. PESCO benefits from co-financing by the European Defence Fund which does not aim to finance PESCO projects but is aimed at financing collaborative projects that establish for Member States the availability of resources that constitute for the states, cooperation projects within the PESCO and outside the Union (Blockmans, Grosso, 2021).

What defence financing mechanisms are there within CSDP? Towards a defence industrial policy

Objectives for strategic autonomy and instruments that operate within the framework of the CSDP are followed by the European Peace Facility (EPF), as an instrument of the Union industrial policy and the European Defence Fund (EDF) and as an instrument of production of ammunition, Act in Support of Ammunition Production (ASAP).

Within the framework of the CSDP, the common limit of resources, Art. 41, par. 2 TEU, has excluded the costs of initiatives in the field of defence through missions, military operations of the Union where each member seeks the maintenance of the operations of multinational forces.

Offering operational costs for the Union's military missions and operations through defense mechanisms on a financing model, the expenditure for command and control elements acquire

platforms and equipment to individual force components. The EPF continues, respects extra-budgetary funds as a change in the scope of the CSDP, i.e. as a financing instrument for common costs to application missions for the use of measures from the part of the Union to global challenges in the defense industry.

The EPF, as a paradigm within the CSDP, has followed financing mechanisms, such as the ATHENA³⁷, where individual Member States' contributions within the security and defense framework support third states and international organizations reaching the African continent.

Within this framework, the African Peace Facility (APF)³⁸ is noted as a partnership fund between the Union and the ACP. It thus constituted a European Development Fund (EDF) as financial support of the African Union to promote peace and stability on the continent³⁹ reaching and exceeding 4 billion euros (Altamini, 2022).

The distinction between EPF and APF has to do with financing between countries of the Union and extra Union in the sectors of

³⁷Council Decision (CFSP) 2015/528 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015D0528>

³⁸Decision No 3/2003 of the ACP-EC Council of Ministers of 11 December 2003 to allocate resources from the long-term development envelope of the ninth European Development Fund to the creation of a Peace Facility for Africa.

³⁹Art. 15 of Regulation 2015/322 on the implementation of the 11th European Development Fund. In particular, the APF was mainly financed through resources from the 9th, 10th and 11th EDFs. APF Annual Report 2019: https://international-partnerships.ec.europa.eu/system/files/2019-09/apf-ar-2017-180711_en.pdf, p. 6.

defense and security. Thus, the picture after the adoption of the decision (CFSP) 2021/509⁴⁰ shows that the act of a financing mechanism, such as the EPF which is part of an institutional framework and within the scope of the CSDP, finance lines that are outlined and respect the missions of military operations and of assistance in the Union. This is a choice that has consequences for the action of the Union where the assistance measures within the framework of the EPF are oriented to the strategic objectives of CSDP (Tomat, 2021).

The EPF defines the multiannual financial framework (MFF) in an amount that exceeds five billion euros for the period 2021-2027. The structure of the EPF and the decision-making procedures characterize the intergovernmental character limiting the aspects of an administrative mechanism. The representatives of the Member States follow a structure that is managed by accountants and administrators⁴¹. Financing missions and assistance measures by unanimity according to the Council finds space in Art. 28, par. 1 and 41, par. 2 TEU.

National contributions set according to the ATHENA mechanism for each Member State a contribution to the financing of a gross national income as a decision of the EPF, where the limited margins of flexibility regarding financial

⁴⁰Council Decision (CFSP) 2021/509 of 22 March 2021 establishing a European Peace Facility, and repealing Decision (CFSP) 2015/528.

⁴¹<https://data.consilium.europa.eu/doc/document/ST-13672-2021-INIT/en/pdf>.

resources and art. 23 admit that Member States anticipate the contributions of a financial assistance used for their own purposes. The common costs of the CSDP missions give a response to the crisis after 2023⁴² as a financial basis of assistance measures that characterize with urgency the ordinary financing regime.

Level of objectives achieved within the scope of the European defense industry

The EPF has remedied and put limits to the ATHENA mechanism as coverage of the missions, military operations of the Union. The common costs for the missions and military operations of the Union range between 5 and 15% of an overall budget. This constitutes for the Member States a conferral of military capabilities of the force for the mission where the costs are distributed according to the principle of costs lie where they fall.

The costs for each Member State increase the amount used for the mission which increases the capacity of the EPF as a guarantee that supports its own costs for operations, missions of the Union, which accompanied its own institution as an added value of the EPF thus supporting the 45% of costs of individual missions, military operations of the Union which respects the

⁴²Council Decision (CFSP) 2023/577 of 13 March 2023 amending Decision (CFSP) 2021/509 establishing a European Peace Facility.

financing of the ATHENA mechanism. The operations of the instrument remain based on a political, institutional debate where the EPF has had novelties of action of the Union at a global level through the provision of assistance measures. The EPF applies a limited geographical and material plan. Thus, the financial help of the EPF fulfills a specific request of the African Union and of sub-regional organizations⁴³. The scope of the Union for a capable instrument that finances the global defense and security sector is based on EU measures that deal with current global challenges (Hamonic, 2022).

In 2021, the Council decided on assistance measures. In 2022, the pillar of the EPF was a response to the aggression of the Russian Federation to Ukraine within the framework of the CSDP. Thus, the financing within the framework of the EPF has adopted assistance measures in favor of the armed forces for a value that exceeds the five billion euros for defense⁴⁴.

An example that is also based on the strategic compass of 2022. In this regard, the EPF states that:

“(...) the Union can quickly ensure significant assistance to partners (...)”

⁴³APF Annual Report 2019: https://international-partnerships.ec.europa.eu/system/files/2019-09/apf-ar-2017-180711_en.pdf, p. 7.

⁴⁴Council of the European Union, Joint EU procurement of ammunition and missiles for Ukraine: Council agrees €1 billion support under the European Peace Facility, Press release of 5 May 2023: <https://www.consilium.europa.eu/en/press/press-releases/2023/05/05/eu-joint-procurement-of-ammunition-and-missiles-for-ukraine-council-agrees-1-billion-support-under-the-european-peace-facility/>

supporting (...) defense capabilities (...)”⁴⁵.

In the field of international security, the EPF has offered the Union a financial basis, as an increase in positions that concern the financial sustainability, at the level that concerns the expenditure to a total amount of assistance measures in favor of the Ukrainian armed forces. These are financed through the EPF. Particularly, from March 2022 they have reached the amount of a 80% for the period between 2021-2027. These are measures where the EPF also guarantees financial coverage strengthening the defense for third states. The beneficiaries of this type of disbursements have to do with Georgia, Moldova, Mali, Mozambique, Niger, North Macedonia, Lebanon, Mauritania, etc. as well as Rwandan, armed forces that operated in Mozambique and the Balkan Medical Task Force. Such a measures were in favor of the African Union.

The EPF has contributed to the African Union Transition Mission in Somalia (ATMIS) as a pillar that covers common costs for missions and, military operations of the Union in various war fields⁴⁶. Thus the 92% of financial amounts that are part of the EPF are used in June 2023⁴⁷ and are based on the

⁴⁵Council of the European Union, A strategic compass for security and defence, cit., p. 15. Conclusions of the European Council of 15 December 2022 (EUCO 34/22), par. 26, which reaffirm the “global dimension” of the EPF.

⁴⁶https://www.eeas.europa.eu/eeas/missions-and-operations_en#9620.

⁴⁷Council of the European Union, European Peace Facility: Council approves second top-up of global financial ceiling amounting to EUR 3.5 billion, Press release of 26 June 2023: <https://www.consilium.europa.eu/it/press/press-releases/2023/06/26/european-peace-facility-council-agrees-on-second-top-up-of-the-overall-financial-ceiling-by-3-5->

Decision (CFSP) 2023/577. The Council has allowed an amount that exceeds 8 billion euros to be used until 2027⁴⁸. The basis of this attempt was the political agreement of the Council in December 2022 that provided for increases for the instrument of a contribution that exceeded 5 billion euros⁴⁹. This exceeded the developments in the months that followed. In June 2023 the Council increased the financial amount exceeding the 3 billion euros⁵⁰. Overall, the instrument has a value exceeding 12 billion for the period 2021-2027⁵¹.

It is a necessary measure that guarantees the possibility of intervention according to the initiatives for the period 2024-2027. The considerations, therefore, were a step forward not so much to the integration sector but as financial support to the sectors that concerned defense and security.

Increasing the spending limits to an overshoot of 10 billion euros is a challenge for the Union and its global plan.

The EPF was a tool that allows to reach important goals for the billion/.

⁴⁸Council Decision (CFSP) 2023/577 of 13 March 2023 amending Decision (CFSP) 2021/509 establishing a European Peace Facility.

⁴⁹Council of the European Union, European Peace Facility: Council agrees to increase the financial ceiling by EUR 2 billion in 2023, Press release of 12 December 2022: <https://www.consilium.europa.eu/en/press/press-releases/2022/12/12/european-peace-facility-council-agrees-2-billion-increase-of-the-financial-ceiling-in-2023/>

⁵⁰Council Decision (CFSP) 2023/1304 of 26 June 2023 amending Decision (CFSP) 2021/509 establishing a European Peace Facility. This Decision implements the political agreement reached in the Council on 20 March 2023: Council of the European Union, Note: Joint delivery and procurement of ammunition for Ukraine, Doc. 7632/23.

⁵¹Council of the European Union, European Peace Facility: Council approves second top-up of global financial ceiling for an amount of EUR 3.5 billion, op. cit.

CSDP. It provides a third state and especially Ukraine with military platforms that used force (Rutigliano, 2022) according to the spirit of the strategic compass of March 2022 that required to increase the military capacity of the Member States through periodic exercises⁵². This is what the EPF has done in this area. It has offered financial coverage for common costs, namely the Crisis Management Military Exercise 2023 (MILEX 23)⁵³ which is largely based on the Decision (CFSP) 2023/577.

The amounts are many and perhaps many times scandalous for the financing of the defense and security industry. It respects war crises and tries to face the new global challenges and the objectives of the strategic compass.

A defense industrial policy as a step towards European integration

Technology, development, research, purchasing, market are the main objects of military procurement within the Union in the coordination phases and budget resources of the defense sector.

The lack of investments in the defence sector undoubtedly leads

⁵²Council of the European Union, A Strategic Compass for Security and Defence, op. cit., p. 3.

⁵³European External Action Service, MILEX 23-EU Crisis Management Military Exercise 2023, 18.09.2023: https://www.eeas.europa.eu/eeas/milex-23-%E2%80%93-eu-crisis-management-military-exercise-2023_en.

to fragmentation in the European defence⁵⁴. The continuous research in the defence sector managed mainly at European level involves a risk in the defence sector where the use of funds is not efficient to verify the relative deficiencies in the defence industry of the Union. The overcoming through legal instruments allow financing at the level of the Union that strengthens strategic autonomy and identifying instruments of an order where financing the defence industry is important for the Preparatory Action on Defence Research, the European Defence Industrial Development Programme and the establishment of a European Defence Fund as instruments of adoption and aid for Member States that are committed to the production of munitions.

Towards the European Defence Funds: PADE and EDIDP

European technology and defence has taken a first step through the Defence Technological and Industrial Base (EDTIB) (Wilkinson, 2020), a European fund that supports technology and lays the foundations for the European defence industry through a pilot project, namely the Pilot Project on Defence

⁵⁴Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the defence investment gap analysis and the way forward (JOIN(2022) 24 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022JC0024>

Research which together with the EDA are forming the main resource for the Union budget for the years 2015 and 2016. A pilot project that started its journey in 2016 with the Preparatory Action on Defence Research (PADR)⁵⁵, a package of projects that exceeding the 90 million euros⁵⁶.

It entails, moreover, various other actions that have followed pilot projects from 2014 to 2019 (Ackermann, Blomeyer, Papi, Sanz, 2020). The purpose of the PADR was to screen a financing for the Union for the development and research in the defense sector. The promotion of cooperation for the Member States within the defense industry are projects that finance and contribute to Research & Technology (R&T) thus putting in place mechanisms that carry out research activities at European level. The PADR program has delegated, through the EC and the EDA, its management indirectly⁵⁷.

The European Defence Industrial Development Programme (EDIDP) with a grant exceeding 500 million euros for the period 2019-2020 was managed directly by the EC through annual calls⁵⁸ that have the objective of establishing collaborative

⁵⁵Communication from the Commission on the European Defence Action Plan (COM(2016) 950).

⁵⁶See in particular Annexes II and V to Special Report 10/2023 of the Court of Auditors of the European Union.

⁵⁷Special Report 10/2023 of the Court of Auditors of the European Union, pp. 12-13, where the division of responsibilities between the Commission and the EDA is specified.

⁵⁸Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme aiming to support the competitiveness and innovation capacity of the Union's defence

projects for products, technologies and defence, thus promoting the exploitation of research results within the defence sector⁵⁹.

Through the EDIDP, the funding is based on development categories where military capabilities follow stages for the research phase for PADR funding and are thus purchased by Member States. A significant number that exceeds 26 projects for 2020, of which only 15 were within the scope of PESCO. We can remember few of the programs funded, such as the JEY-CUAS⁶⁰, MUSHER⁶¹, USSPS⁶² and SEANICE⁶³.

The EDIDP and PADR consider programs for the institutions of the FED within the scope of the MFF 2021-2027, thus representing a step towards Union's expenditure. Reference is

industry; "European Defence Industrial Development Programme (EDIDP) 2019 calls for proposals, conditions for the calls and annexes", 22 July 2019: https://ec.europa.eu/research/participants/data/ref/other_eu_prog/edidp/wp-call/edidp_call-texts-2019_en.pdf; "European Defence Industrial Development Programme (EDIDP) 2020 calls for proposals, conditions for the calls and annexes", 23 July 2020: https://ec.europa.eu/research/participants/data/ref/other_eu_prog/edidp/wp-call/edidp_call-texts-2020_en.pdf.

⁵⁹European Commission, European Defence Industrial Development Programme (EDIDP): <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/programmes/edidp>

⁶⁰Joint European System for Countering Unmanned Aerial Systems. The initiative is linked to the PESCO Counter Unmanned Aerial System (C-UAS) project and is funded for 15 million euros.

⁶¹Development of a generic European Manned unManned Teaming (e-MUMT) system. The initiative is linked to the PESCO EU Collaborative Warfare Capabilities (ECoWAR) project and is funded for 13.7 million.

⁶²Development of Unmanned Semi-fixed Sea Platforms for Maritime Surveillance. The project has received funding of 19.5 million euros.

⁶³Anti Submarine warfare European Autonomous Networked Innovative and Collaborative Environment (next generation antisubmarine warfare system based on manned-unmanned platforms teaming). It is part of the PESCO Maritime Unmanned Anti-Submarine System (MUSAS) project and is financed for 11.6 million.

made to a special report with the number 10/2023 of the Court of Auditors of the European Union for the evaluation of the PADR, as part of the European Defence Fund⁶⁴.

It is a document which noted that:

“(...) the Court had the opportunity to carry out an audit of EU defence spending, in a situation where the funded projects were sufficiently advanced, and to draw conclusions and make recommendations aimed at improving EU spending through the European Defence Fund (...) the Court of Auditors are not very positive indeed as, although some lessons have been learned, it noted that the value of the PADR as a precursor to increasing EU defence spending has been limited due to time constraints and the modest results achieved (...)”⁶⁵.

Research, development and acquisition initiatives through the European Defence Fund

The related programs just mentioned such as the PADR, EDIDP being part of the FED from 2021⁶⁶ preceded a fund that established a competent base for the Union in industrial development and research matters. The MFF 2021- 2027 is a semi-permanent instrument for a financial endowment of a consistent type.

The FED has the capacity that exceeds eight billion euros for the financing of cooperative research within the scope of defense in the face of emerging, future challenges, as well as the amount of

⁶⁴Special Report 10/2023 of the Court of Auditors of the European Union.

⁶⁵See Annex VII on the PADR results and FED Regulation.

⁶⁶Regulation (EU) 2021/697 of 29 April 2021 establishing the European Defence Fund and repealing Regulation (EU) 2018/1092.

five billion euros that are allocated for cooperative projects for development, complementary military capabilities and national contributions⁶⁷. The FED thus acquires the objectives identified for the PADR, EDIDP to a single instrument where research differences finance up to 100% from fund the activities that are linked to development and are co-financed with the Member States at a percentage that exceeds 20 up to 80% of the required investment.

Among the objectives of the FED are the competitiveness in the defense industry sector as well as the efficiency that innovates the industrial, technological base for the Union thus contributing to the achievement of a strategic autonomy which is its final objective⁶⁸.

According to Art. 10 of Regulation EU 2021/697 the actions that follow the objectives that concern types of activities have the objective of improving interoperability, creating, supporting, improving products, technologies for the defense of products, materials, technologies, services and processes. The attribution is evaluated through the proposals that according to art. 12 contribute to the competitiveness of a European defense industry in autonomy with the EDTIB and for cross-border cooperation. Thus the fund participates to programs of the members of the

⁶⁷European Commission, Factsheet: European Defence Fund, 30 June 2021: https://defence-industry-space.ec.europa.eu/eu-defence-industry/european-defence-fund-edf-official-webpage-european-commission_en

⁶⁸See Art. 3 of the Regulation (EU) 2021/697, op. cit.

European Free Trade Association as well as of members of the EEA according to art. 5.

The FED resembles the EDIDP as a tool of a regime that directly manages the EC with annual work programs and with provision of actions that are divided into various categories. The funding has subordinated a participation of calls that cover various sectors within programs that start from 2021 and include approximately more than 60 co-financed projects for development and research actions with amounts that exceeding approximately the 850 million euros. Only for 2023 the funding of projects exceeding the 1 billion euros according to the geography of countries of the Union that participate. They also makes part of companies of the Eastern Europe.

A budget of the Union that is based on a financing of activities that are part of a defense that reduces criticisms that derive from fragmented investments. In this way, a level of strategic autonomy is pursued where it coherently identifies the strategic vision as tools for cooperation and coordination. The strategic use of resources are available in actions that connect the defense industry to a coherent framework according to the identification and within the scope of an evolving European defense industry.

Aid for the production of ammunition

Among the latest stages of European integration in the defense sector, is the Regulation (EU) 2023/1525 for the production of ammunition⁶⁹, namely the Act in Support of Ammunition Production (ASAP), which from 2023 follows what the EC has put into practice⁷⁰, a Regulation with 114 articles based on Art. 173, par. 3 TFEU concerning the industrial policy. Thus, the legal bases coincide with instruments that are part of the framework the industrial policy of the Union.

Here we are dealing with a Regulation that is different from that of FED and of programs that constitute a direct reaction to the prolongation of the war crisis in Ukraine thus supporting the procurement of ammunition for its armed forces. According to the Council of 20 March 2023 Ukraine had to deliver one million artillery ammunition within a time frame of one year. Components that consist of an extension of coverage from the EPF and costs that are linked to transfers of ammunition to Ukraine also inviting Member States to allow and deliver missiles to Ukraine as soon as possible⁷¹.

⁶⁹Regulation (EU) 2023/1525 of the European Parliament and of the Council of 20 July 2023 on support for the production of ammunition (ASAP): <https://eur-lex.europa.eu/eli/reg/2023/1525/oj>

⁷⁰Proposal for a Regulation of the European Parliament and of the Council of 3 May 2023 establishing the Law to support the production of ammunition, COM(2023) 237 final.

⁷¹Council of the European Union, Note: Joint delivery and procurement of ammunition for Ukraine, Doc. 7632/23: <https://www.consilium.europa.eu/media/63170/st07632-en23.pdf>

The ASAP in a synergic way between the objectives of the CSDP and industrial policy has created close links with ASAP and FED. Connections that are part of an increase in defense of the Member States. In other words, it promotes the integration of the defense market through collaborative projects.

The period 2023-2028 establishes a financial instrument of a total type of an amount exceeding the 500 million euros⁷² given the urgent situation necessary for the provision of an instrument. In other words the funds are intended for an instrument that strengthens the European defense industry through joint procurement, namely the EDIRPA. The fund directly manages and covers 35% of the production costs for ammunition and, missiles that reach 40% of production costs for raw material components⁷³.

The Regulation through transnational cooperation steps respects the production chains and at the same time ensures the supply of ammunition as financing criteria, as instruments where the benefits for medium-sized enterprises and the products to be transferred to Ukraine contribute to cross-border cooperation between European companies and to applicants that give priority to cross-border cooperation, as provided for by the relevant Regulation⁷⁴.

⁷²See Art. 5, par. 1 of the Regulation (EU) 2023/1525, op. cit.

⁷³See Art. 9 of the Regulation (EU) 2023/1525, op. cit.

⁷⁴See Art. 9, par. 2 of the Regulation (EU) 2023/1525, op. cit.

The Regulation of ASAP in the topic of security and supply, according to art. 13, asks the Member States in a timely, efficient manner to issue authorizations to manufacturing companies and to agree on the needs of a production within the scope of authorization procedures. According to art. 14 the introduction of the procedures that are foreseen by the Directive 2009/81/EC for common procurements between Member States simplify the relative execution⁷⁵.

The Regulation and the proposal of the EC is evident to a procedure that directs the instrument with a scaled down way (Fabbrini, 2023) since art. 14 introduces a mechanism where the EC has imposed on companies in case of difficulty common procurements between Member States. This works through acceptance, execution of priority orders, as a mechanism offered by the EC and as an instrument that directly affects the market of defense products that are part of the application of the Regulation itself.

Joint investments, technology, development and steps of integration of defense through the EDIRPA

The strengthening of industrial defense follows some paths of direction that have as a main scope the stimulation of a close

⁷⁵Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC.

cooperation for the coordination tools of a strategic vision of the Union, the strengthening of the European industry for defense and common procurement and the development of a common program for defense through the relative Regulation.

The strengthening of investments continues in the industrial sector through joint procurement. Each war crisis acquires the defense capacity and expands the defense sector as can be noted in the related joint communication of the European Commission and the High Representative of the Union for Foreign Affairs entitled: “Analysis of the investment gaps in the defense sector and on the path forward”⁷⁶. They affirm that:

“(...) spend more but also invest better and more together (...) a path to coordinate and incentivize joint acquisitions of defense material (...)”.

Thus, the programming and coordination documents acquire and avoid the increase in national spending in the defense sector as steps of fragmentation where interoperability achieve a strengthening of military capabilities for the Member States as a whole.

The related communication calls for a short-term task force for the procurement in the defence sector. During the outbreak of war the function of a point of reference is carried out to coordinate the needs for the Member States to avoid negative consequences for the European market as an instrument that

⁷⁶Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the defence investment gap analysis and way forward (JOIN(2022) 24 final).

strengthens the field of military defence, as a project relating to the framework of the Union and in the action of the task force.

It thus respects the re-establishment of the Member States to a level suitable for military capabilities, that is, a project that creates a framework for the Union in the defence sector.

The points of cooperation that develop coordinated actions based on strategic planning for the Union are limited. Already in July of 2022 the EC through a joint communication tried to adopt a Regulation for the establishment of an instrument to strengthen the European industry and defence through joint procurement, namely the EDIRPA⁷⁷. Within this context, the Economic and Social Committee sent to the national parliaments as well as to the European parliament through the ordinary legislative procedure, the Regulation which was adopted on 18 October 2023⁷⁸.

The text is based on Art. 173, par. 3 TFEU and is dedicated to the protection of competition in the European defense industry sector. The EDIRPA was a short-term instrument as foreseen in Art. 1 of the Regulation that will remain in force until 31 August 2025. It is an instrument for the Union with its own budget that

⁷⁷Proposal for a Regulation of the European Parliament and of the Council on the establishment of an instrument to strengthen the European defence industry through joint procurement of 19 July 2022, COM(2022) 349 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0349>

⁷⁸Regulation (EU) 2023/2418 of the European Parliament and of the Council of 18 October 2023 on the establishment of an instrument for strengthening the European defence industry through joint procurement (EDIRPA).

reached 300 million euros. The objective of the Regulation is the strengthening of the European and defense industry for common procurement. The purchase of military capabilities of the Union are part of the Regulation under common procurement.

It jointly includes the general legal framework of the Union that coordinates, promotes this type of cooperation. In other words it is an instrument that respects criteria that imply a new cooperation that already exists for some Member States, namely at least three with the aim of addressing emergencies and criticisms in the European defense sector.

The EDIRPA presents itself as an instrument within a regulatory framework that thus manages the defense industry for the Member States through the defense procurement. The instrument according to the directive 2009/81/EC is related to the coordination of procedures for the award of contracts in the defense and security sector. Particularly, it leads to the EDIRPA⁷⁹ which respects the action of harmonization, coordination and cooperation for the allocation of European funds.

In other words, it is a temporary, strong instrument that is oriented towards an emergency situation of war crises representing fertile ground for building a framework within the

⁷⁹Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC.

European Union that acquires in the defense sector an effective development for a unitary action of a strategic type according to the acts established by the EC.

Investments for the European defence through joint programmes

Joint procurement aims to develop European defence in order to avoid the dispersion of fragmentation efforts and, thus limiting the risks and problems of interoperability of technological and industrial dependencies, as stated in the Declaration of Versailles which:

“(...) dramatically improve investment in defence capabilities and innovative technologies (...) through the following actions: a) significantly increase defence spending, allocating a significant share to investments, with particular attention to identified strategic gaps, and developing defence capabilities collaboratively within the European Union; b) develop further incentives to stimulate collaborative investments by Member States in joint projects and joint procurement of defence capabilities; c) further invest in the capabilities needed to conduct the full range of missions and operations, including by investing in strategic enablers such as cybersecurity and space connectivity; d) promote synergies between civil, defence and space research and innovation, and invest in critical and emerging technologies and innovation for security and defence; e) take measures to strengthen and develop our defence industry, including SMEs (...)”⁸⁰.

Reading carefully the objectives it is clear that these are increasing private investments based on the strategic compass to a space that identifies instruments for investments in the defence

⁸⁰Versailles Declaration, adopted at the informal meeting of the Heads of State or Government of the Member States of the European Union, par. 9: <https://www.consilium.europa.eu/media/54773/20220311-versailles-declaration-en.pdf>

sector⁸¹.

The work identified is dedicated to investments and the Council stated that:

“(...) invest more and better through improved strategic planning, is the search for common solutions and greater exploitation for PESCO and the FED (...)”.

These are aspects that are explored in depth through the communication of the EC and the High Representative of May 2022. It highlights that the action of the Union is oriented to collaborative projects and to joint procurement through coordination at a European and strategic level that strengthens the industrial base, European defense technology through sectors that it should identify and invest in⁸².

Investments are thus complementary to the development of a framework for joint procurement, as a programme on the part of the EC. The Regulation on the European Defence Investment Programme (EDIP) creates a legal framework for European Defence Capability Consortia (EDCC) by some Member States. Continuing the EDIRPA as a broad project for investments in the sector in a horizontal manner allows for an expansion of the options that are existing within the EDA and thus exploiting projects through PESCO. The programmatic documents and the

⁸¹Council of the European Union, A strategic compass for security and defence, cit.

⁸²Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the defence investment gap analysis and way forward (JOIN(2022) 24 final), pp. 1-2: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022JC0024>

consortia within the EDIP seek to purchase a collaborative development defence within the Union according to the use by the Member States that participating in the VAT exemption.

The FED also plays an important role in the development of joint investments in the defence sector as a research phase for military capabilities. It reaches a strategic autonomy for the Union as an extension of the application of the FED. The EC stated that the strengthening of a fund in the defence industry system and a mixed financing for the scope of the InvestEU for companies, especially medium-sized ones, in the defence sector cooperates with the European Investment Fund as a new strategic initiative for European security. For the above reasons it puts more than eight billion euros for financing by 2027⁸³. A financing that involves and creates partnerships with the EC (DG DEFIS), the EU Agency for the Space Programme (EUSPA), the EDA and also NATO⁸⁴.

Programs that pass through the European bank. Investments for defence will thus have a dual use, both military and civil. Strengthening the EDTIB through national markets represents for joint enterprises possibilities, through Art. 187 TFEU, for

⁸³European Investment Bank, Strategic European Security Initiative: <https://www.eib.org/en/press/all/2022-122-eib-approves-strategic-european-security-initiative-confirms-ukraine-disbursement-and-backs-eur543-million-business-and-clean-energy-investment>

⁸⁴European Investment Bank, EIB continues to support the EU's security and defence agenda, Press release 10.3.2022: <https://www.eib.org/en/press/all/2022-123-the-eib-continues-its-support-to-the-eu-s-security-and-defence-agenda>

improving research programs and technological development using the work done by the EC, companies, public authorities and private and public research institutions (Kellerbauer, Klamert, Tomkin, 2019).

Thus, information and communication technologies for the development of satellite navigation⁸⁵, the creation of a new generation system for air traffic management (SESAR)⁸⁶, as well as in the field of nanoelectronics (ENIAC)⁸⁷ the embedded computer systems (ARTEMIS)⁸⁸. They are joint undertakings that establish and implement the Horizon Europe 2020 programme⁸⁹ according to Art. 187 TFEU and applied to sectors and programs that have as their objective the implementation of programs for research and development of joint undertakings using support in the research and development phases of the European defence industry.

⁸⁵Council Regulation (EC) No 876/2002 of 21 May 2002 establishing the Galileo Joint Undertaking, 1.

⁸⁶Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), 1.

⁸⁷Council Regulation (EC) No 72/2008 of 20 December 2007 establishing the ENIAC Joint Undertaking, 21.

⁸⁸Council Regulation (EC) No 74/2008 of 20 December 2007 establishing the ARTEMIS Joint Undertaking to implement a Joint Technology Initiative on Embedded Computing Systems

⁸⁹Council Regulation (EU) 2021/2085 of 19 November 2021 establishing Horizon Europe Joint Undertakings and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014: <https://eur-lex.europa.eu/eli/reg/2021/2085/oj>

Link between material policies and European defense policy

The program of the EPF in the European defense sector has allowed and tried to manage war crises for both civilians and military⁹⁰ thus supporting the financial stability of the Ukraine⁹¹ where the Union as a first level actor in the Ukrainian crisis (Blockmans, 2022; Editorial Comments, 2022) has not transferred military platforms but only a financial commitment that covers costs for the Member States and thus providing for Ukraine an amount that has reached and exceeded the 600 million euros for the period 2024-2027, as aid packages⁹².

The EPF and the military industry policies through FED, ASAP and EDIRPA are oriented towards a use that finances, stimulates collaboration between Member States and companies towards the implementation of projects, purchase of military platforms and other research products as tools that do not find a legal basis

⁹⁰For example, the Union Civil Protection Mechanism, which Ukraine joined in April 2023.

⁹¹Decision (EU) 2022/1628 of the European Parliament and of the Council of 20 September 2022 providing exceptional macro-financial assistance to Ukraine, the strengthening of the Common Provisioning Fund through guarantees from Member States and a specific allocation for certain financial liabilities related to Ukraine guaranteed under Decision No 466/2014/EU, and amending Decision (EU) 2022/1201; Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an instrument to provide support to Ukraine in 2023 (Macro-Financial Assistance), PE/71/2022/INIT. OJ L 322, 16.12.2022, p. 1–14

⁹²Council of the European Union, Joint EU procurement of ammunition and missiles for Ukraine: Council agrees €1 billion support under the European Peace Facility, Press release of 5 May 2023: <https://www.consilium.europa.eu/en/press/press-releases/2023/05/05/eu-joint-procurement-of-ammunition-and-missiles-for-ukraine-council-agrees-1-billion-support-under-the-european-peace-facility/>

in the treaties relating to European defense but in the material political framework that establishes the internal market, i.e. industrial policy, research, development, space. Complementary measures that favor the integration of both defense product markets and improve the military capabilities of Member States, constituting objectives of defense policy according to Art. 42, par. 3 TEU.

Thus, defense policy presents itself together with security policy a regime that accumulates legal bases and integration procedures in time⁹³ according to international agreements (Wessel, 2020).

This is how the legal bases are built within the TFEU where they presuppose, contribute to objectives for material policies and objectives of the CSDP, such as objectives that consolidate the internal market to an industrial policy that respects international agreements, that is, important stages of European policy in the sector⁹⁴.

Distinguishing European policies between those of defense and security and others that are intertwined such as trade and external relations of the Union is not such an easy matter for the pursuit of cross-cutting objectives and the plurality of competences of the Union. Separating from material policies

⁹³CJEU, CJEU, C-180/20, *Commission v. Council (Accord avec l'Arménie)* of 2 September 2021, ECLI:EU:C:2021:658, not yet published, para. 49-50.

⁹⁴CJEU, C-244/17, *Commission v. Council (Agreement with Kazakhstan)* of 4 September 2018, ECLI:EU:C:2018:662, published in the electronic Reports of the cases, par. 46. CJEU, C-180/20, *Commission v. Council (Accord avec l'Arménie)* of 2 September 2021, op. cit., par. 53.

and highlighting the procedural, institutional context of European foreign and defense policy through separation of other European policies, Art. 30 TEU, leaves a wide margin of application for the procedures, the attributions relating to other policies for the institutions thus respecting an external action that is based on the principle of coherence and which thus distinguishes defense policy from those material policies (Cannizzaro, 2021).

It was also the case law that shed light on the legal bases of the TEU and the TFEU without referring to Art. 40 TEU⁹⁵ that limit the adoption of measures that do not find a place in other policies of the Union, to follow the objectives of European foreign and defense policy.

The defense and security policy cannot prejudice the exercise of policies of the Union within a democratic control and an institutional balance. The material competences are decision-making subjects to an intergovernmental logic that ensure to the European Parliament the adoption of legislative acts. Thus, practice considers the interchange of legal bases of the TEU and the TFEU as an objective that is incompatible with the architecture of the Union.

This is a principle of an institutional balance. The principle of effectiveness ends up with objectives that determine the legal

⁹⁵CJEU, CJEU, C-244/17, Commission v. Council (Agreement with Kazakhstan) of 4 September 2018, op. cit., par. 48. CJEU, C-180/20, Commission v. Council (Accord avec l'Arménie) of 2 September 2021, op. cit.

basis of an act that allows the Council's competences and the European Parliament's acts that have had an impact on material policies of the jurisdictional review of the jurisprudence of the CJEU⁹⁶.

Material competences are now specialized for the European security policy. Competences developed by the Union and conducted a foreign policy for the defense and security policy in a wide space reconstruct an action as well as other future research ideas⁹⁷. The practice is now mature from the past and within an institutional framework of the CSDP where the EC has had effects for the exercise of competences in material policies thus acquiring a supranational component within the intergovernmental framework of the European security policy and by what is established by the TEU. Thus, through PESCO, a co-financing of projects is implemented. In other words, the FED has used the EC as an instrument that is oriented towards choices of collaboration and investment by the Member States as foreseen by the work of PESCO projects⁹⁸.

⁹⁶See Art. 24, par. 1, lett. 2, TEU.

⁹⁷Regulation (EU) 2019/452 establishing a framework for the screening of such investments in strategic sectors which may affect security or public order), in transport policy. Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014, instrumental in improving military mobility within the Union.

⁹⁸See Art. 7, par. 1 of the Decision (FPSC) 2018/909.

Conclusions

The security and defense policy within the Union has borne fruit in recent years through a continuous coordination between Member States and the institutions of the Union and towards a strategic autonomy. The approach of a qualitative comparison of financing instruments of the Union and the institutions of NATO respects acts that support the development and purchase of military capabilities for common costs for missions, military operations as an emergency need to cover war crises through the pillar of EPF operations.

The funding support is broad and varied, distinguishing the instruments that support projects in communis intended to finance two or more Member States through the NATO framework and defense policy. Thus military capabilities through common funding and within the scope of the NSIP coordinate national defense policies as a joint use for resources that coordinate national defense policies as well as the use of common resources where military capabilities between Member States are joint funding initiatives within the framework of NATO, i.e. forms of financing at an institutional level. PESCO allows an institutional framework for Member States that through co-financing by the FED and the EDIRPA mechanism offer subsidiary help to Member States during the joint procurement.

The framework of the Union has characteristics that distinguish from NATO the institutional differences between entities that were different in defense policy and support the defense capability for the Member States. The financing instruments within the scope of the industrial policy of the Union to a model that differs from the practice of NATO consists of a direct stimulation of research, development and production of a market of specific products for defense.

The purposes of a good functioning of the internal market and industrial policy of the Union function within the scope of instruments where the defense capability for the Member States are objectives for the CSDP and the actions of the Union, i.e. material policies where the action of the EPF is a financing instrument of the CSDP that respects the framework of NATO. The subsidiary pillar of the instrument constitutes a fundamental component as a response of the Union to the aggression of the Russian Federation to Ukraine.

The financing instruments in the defence sector operate within the framework of NATO and in harmony with Art. 42, par. 2, letter 2 TEU. The complex system of financing instruments of the Union thus contributes to the strategic autonomy of the Union and guarantees a margin of action that respects NATO and at the same time strengthens the defence capacity for the Member States thus strengthening the action of the Union that

promotes values at global level.

The financing that strengthens the defence of the Union as a contribution of a strategic autonomy of a legal architecture of the CSDP is a perspective of a supranational integration to a defence products market. The defence capacity is strengthened to a criterion of unanimity as a decision-making method applicable within the scope of the CFSP/CSDP and as a political decision that constitutes a useful tool for the capacity for action, ensuring thus the strategic autonomy of financing mechanisms within the competences of the CFSP⁹⁹.

European defense through an industrial policy that follows forms of harmonization contribute to a fragmentation of the European defense products market where there is no lack of useful tools that follow this purpose. Thus, joint procurement for the possibility establishes industrial consortia in the form of joint ventures.

The industrial policy is part of a framework where financial support for development and research seems to respect harmonization and strengthen supranational institutions to a development that acquires military capabilities (Barigazzi, Kayali, 2022).

The Regulation of the ASAP, the interventions directed to the European market through the work carried out by the EC and the

⁹⁹European Parliament resolution of 22 November 2023 on the European Parliament's proposals for amending the Treaties (2022/2051(INL)), par. 21: https://www.europarl.europa.eu/doceo/document/TA-9-2023-0427_EN.html

creation of the EDIRPA, which over time has shown that slowly followed resources allocated to the instrument, have committed Member States towards a consolidation of products to the European defense market. In this way, the Member States followed what was the main objective, namely the strategic autonomy of the material policies of the Union that have offered useful tools for political decisions that increase the basis of a supranational integration in the sector of European security and defense policy.

References

Ackermann, R., Blomeyer, R., Papi, J., Sanz, M. (2020). Pilot projects and preparatory actions in the EU budget 2014-2019. Study requested by the BUDG committee, *European Parliament*:

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654474/IPOL_STU\(2020\)654474_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/654474/IPOL_STU(2020)654474_EN.pdf)

Altamini, A.M. (2022). The European Peace Facility and the UN Arms Trade Treaty: Fragmentation of the International Arms Control Law?. *Journal of Conflict & Security Law*, 27 (3), 419ss

Barigazzi, J., Kayali, L. (2023, November, 28). EU heavy weights warn against Commission defense power grab. *Politico*:

<https://www.politico.eu/article/eu-defense-powers-no-commission-power-grab-germany-france-italy-sweden/>

Blanke, H.J., Mangiamelli, S. (2021). *Treaty on the Functioning of the European Union. A commentary*. ed. Springer, Berlin.

Blockmans, S. (2018). The EU's modular approach to defence integration. An inclusive, ambitious and legally binding PESCO?. *Common Market Law Review*, 55 (6), 1814.

Blockmans, S. (2022). Editorial: The Birth of a Geopolitical EU. *European Foreign Affairs Review*, 27 (2), 158ss.

Blockmans, S., Crosson, D.M. (2021). PESCO: A Force for Positive Integration in EU Defence. *European Foreign Affairs*

Review, 26, 95 ss.

Butler, G. (2019). *Constitutional Law of the EU's Common Foreign and Security Policy: Competence and Institutions in External Relation*. Hart Publishing, Oxford, Oregon.

Cannizzaro, E. (2021). The Value of the EU International Values. In W.T. Douma, C. Eckes, P. Van Elsuwege, E. Kassoti, A. Ott, R. A. Wessel (eds). *The Evolving Nature of EU External Relations Law*. T.M.C. Asser Press, The Netherlands, 14ss.

Casolari, F. (2023). Supranational Security and National Security in Light of the EU Strategic Autonomy Doctrine: The EU-Member States Security Nexus Revisited. *European Foreign Affairs Review*, 28 (4), 323-340.

Cremona, M. (2012). The Two (or Three) Treaty Solution: The New Treaty Structure of the EU. In A. Biondi, P. Eeckhout, S. Ripley (eds). *EU Law After Lisbon*. Oxford University Press, Oxford, 43, 46ss.

Cremona, M. (2018). The Position of CFSP/CSDP in the EU's Constitutional Architecture. In S. Blockmans, P. Koutrakos (eds). *Research Handbook on the EU's Common Foreign and Security Policy*. Edward Elgar Publisher, Cheltenham, 8ss.

Csernaton, R. (2022). The EU's Hegemonic Imaginaries: from European Strategic Autonomy in Defence to Technological Sovereignty. *European Security*, 31 (3), 398ss.

Curtin, D. (1993). The Constitutional Structure of the Union: A

Europe of Bits and Pieces. *Common Market Law Review*, 30 (1), 18ss.

Editorial Comments, (2022). The response to the war in Europe: A more power based EU and the challenge of ensuring that it remains rule and value based. *Common Market Law Review*, 59 (3), 624ss.

Editorial Comments. (2022). Keeping Europeanism at Bay? Strategic Autonomy as a Constitutional Problem. *Common Market Law Review*, 59 (2), 314ss.

Fabbrini, F. (2023). European Defence Union ASAP: the Act in support of ammunition production and the development of EU defence capabilities in response to the war in Ukraine. *CSF Research Paper*, November 2023, 16ss.

Fiott, D. (2018). EU Defence Capability Development. Plans, Priorities, Projects, *EUISS Brief*: https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief%206_CDP.pdf

Fiott, D. (2018). Strategic Autonomy: Towards “European Sovereignty” in Defence?. *European Union Institute for Security Studies (EUISS) Briefs*.

Gatti, M. (2018). Conflict of Legal Bases and the Internal-External Security Nexus: AFSJ versus CFSP. In E. Neframi, M. Gatti (eds). *Constitutional Issues of EU External Relations Law*, ed. Nomos, Baden, Baden, 91ss.

- Gstrein, O.J. (2023). Data Autonomy: Recalibrating Strategic Autonomy and Digital Sovereignty. *European Foreign Affairs Review*, 28 (4), 379-396.
- Hamonic, A. (2022). Chronique Action extérieure de l'UE - Débuts retentissants pour la Facilité européenne pour la paix (FEP). *Revue Trimestrielle de Droit Européen*, 59 (3), 522ss.
- Hartley, K. (2012). Conflict and Defence Output: An Economic Perspective. *Revue d'Économie Politique*, 122 (2), 172-176 ss.
- Helwig, N. (2022). The Ambiguity of the EU's Global Role: A Social Explanation of the Term "Strategic Autonomy". *European Foreign Affairs Review*, 27, 22ss.
- Helwig, N., Sinkkonen, V. (2022). Strategic Autonomy and the EU as a Global Actor: The Evolution, Debate and Theory of a Contested Term. *European Foreign Affairs Review*, 27, 3ss.
- Hillion, C. (2012). Cohérence et action extérieure de l'Union européenne. *EUI Working Papers LAW 2012/14*, <https://cadmus.eui.eu/handle/1814/22354>.
- Hoffmeister, F. (2023). Strategic autonomy in the European Union's external relations law. *Common Market Law Review*, 60 (3), 668ss.
- Howorth, J. (2018). Strategic Autonomy and EU-NATO Cooperation: Threat or Opportunity for Transatlantic Defence Relations?. *Journal of European Integration*, 40 (5), 524ss.
- Kellerbauer, M., Klamert, M., Tomkin, J. (eds). (2019). *The EU*

Treaties and the Charter of Fundamental Rights: A Commentary. Oxford University Press, Oxford, 1508ss.

Lippert, B., Von Ondarza, N., Perthes, V. (eds.). (2019). European Strategic Autonomy: Actors, Issues, Conflicts of Interests (SWP Research Paper 4-2019) *Stiftung Wissenschaft und Politik-German Institute for International and Security Affairs*:

https://www.swp-berlin.org/publications/products/research_papers/2019RP04_lpt_orz_prt_web.pdf

Marrone, A. (2022). European strategic autonomy between ambition and pragmatism. *Progressive Yearbook 2022*, FEPS- Foundation for European Progressive Studies, 134ss: <https://feeps-europe.eu/wp-content/uploads/downloads/publications/pyb2022%20alessandro%20marrone.pdf>

Puig Soler, S. (2021). The European Peace Facility. In J. Rehl (ed.). Handbook on CSDP: The Common Security and Defence Policy of the European Union. Federal Ministry of Defence of the Republic of Austria. *European Security Defence College*, 108ss: <https://esdc.europa.eu/documentation/handbook-on-csdp/>

Rutigliano, S. (2022). Accountability for the Misuse of Provided Weapons in the Framework of the New European Peace Facility. *European Foreign Affairs Review*, 27 (3), 402ss.

Szép, V., Wessel, R.A. (2023a). Making Faster and Better

Decisions in EU Common Foreign and Security Policy.
ENGAGE Policy Brief Series:

<https://www.engage-eu.eu/publications/making-faster-and-better-decisions-in-eu-cfsp>

Szép, V., Wessel, R.A. (2023b). Assessing Current CFSP Structures and Processes and Formulating Recommendations.
ENGAGE Policy Brief Series:

<https://www.engage-eu.eu/publications/assessing-current-cfsp-structures-and-processes-and-formulatingrecommendations>

Tomat, S. (2021). EU Foreign Policy Coherence in Times of Crises: The Integrated Approach. *European Foreign Affairs Review*, 26 (1), 156ss.

Trybus, M. (2014). *Buying Defence and Security in Europe: The EU Defence and Security Procurement Directive in Context*. Cambridge University Press, Cambridge.

Van Der Woude, M. (2023). The European Union's Engagement With Questions of Strategic Autonomy and Security: Do EU Courts Have a Role to Play?. [*European Foreign Affairs Review*](#), 28 (4), 311-322.

Vroege, B. (2023). Strategic Autonomy in Military Production: The EDF and the Constitutional Limits to EU Defence-Industrial Spending Power. [*European Foreign Affairs Review*](#), 28 (4), 341-362.

Wessel, R.A. (2020). Legality in EU Common Foreign and

Security Policy. The Choce of the Appropriate Legal Basis. In C. Kilpatrick, J. Scott (eds). *Contemporary Challenges to EU Legality*. Oxford University Press, Oxford, 72, 88ss.

Wessel, R.A., Szép, V. (2022). The implementation of Article 31 of the Treaty on European Union and the use of Qualified Majority Voting: Towards a more effective Common Foreign and Security Policy?. *European Parliament*: [https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU\(2022\)739139](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2022)739139)

Wilkinson, B. (2020). The EU's Defence Technological and Industrial Base, In-depth Analysis for the European Parliament's Policy Department for External Relations, *European Parliament* 603.483: [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603483/EXPO_IDA\(2020\)603483_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603483/EXPO_IDA(2020)603483_EN.pdf).